

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**IN THE MATTER OF A COMPLAINT
AND ARREST WARRANT FOR JAMES
IAN PICCIRILLI**

Case No. 1:20-mj-2541 TMD

UNDER SEAL

**IN THE MATTER OF A COMPLAINT
AND ARREST WARRANT FOR KELLIE
NICOLE WARFIELD**

Case No. 1:20-mj-2542 TMD

UNDER SEAL

**AFFIDAVIT IN SUPPORT OF
COMPLAINT AND ARREST WARRANT**

I, David Collier, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), being duly sworn, declare and state as follows:

INTRODUCTION

1. This affidavit is made in support of criminal complaints and arrest warrants for **JAMES IAN PICCIRILLI** and **KELLIE NICOLE WARFIELD** for failure to surrender for service of sentence and aiding and abetting in violation of 18 U.S.C. § 3146(a)(2) and 18 U.S.C. § 2.

2. Based on the facts contained in this affidavit, there is probable cause to believe that, on March 16, 2020, **PICCIRILLI** failed to surrender as required to begin serving a federal sentence and that **WARFIELD** knowingly took steps to help him succeed.

AFFIANT'S BACKGROUND

3. I have served as a Special Agent with ATF since May of 2008 and am currently assigned to the ATF Baltimore Field Division. During my tenure as an ATF Special Agent, I have participated in numerous investigations involving firearms trafficking, illegal firearms manufacturing, and other unlawful firearms and violent crime-related enforcement activities. I also served as a Deputy United States Marshal (DUSM) for approximately five years prior to my employment with ATF. During my law enforcement career, I have executed federal search,

seizure, and arrest warrants, interviewed subjects/witnesses, tracked down and arrested fugitives, and developed information and expertise using various investigative techniques. I attended the Criminal Investigator Training Program (CITP), ATF Special Agent Basic Training (SABT), and Basic Deputy United States Marshal Training Program (BDUSM) at the Federal Law Enforcement Training Center in Glynco, Georgia.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause for **PICCIRILLI** and **WARFIELD**'s arrests, I have not included every fact known to me about this investigation. Rather, I have set forth only those facts I believe are necessary to support **PICCIRILLI** and **WARFIELD**'s lawful arrests. The statements in this affidavit are based on information provided to me by law enforcement officers, as well as my training, experience, and knowledge of this investigation.

PROBABLE CAUSE

5. On February 7, 2019, a federal grand jury charged **PICCIRILLI** with possessing machine guns in violation of 18 U.S.C. § 922(o) and possessing unregistered National Firearms Act ("NFA") firearms in violation of 26 U.S.C. § 5861(d). *See* SDT-19-060 (D. Md.). **PICCIRILLI** subsequently pled guilty to a superseding information charging him with possessing an unregistered NFA firearm. On January 14, 2020, U.S. Circuit Judge Stephanie D. Thacker, sitting by designation in the District of Maryland, sentenced **PICCIRILLI** to 30 months' imprisonment. Judge Thacker ordered him to remain on home monitoring by United States Probation Office ("USPO") until March 16, 2020, at which time he would report to a correctional facility to be determined by the United States Bureau of Prisons ("BOP"). **PICCIRILLI** never reported.

6. Rather, on January 24, 2020, **PICCIRILLI** absconded from the USPO's supervision. Three days later, Judge Thacker issued a warrant for **PICCIRILLI**'s arrest. To my knowledge, as of the date of the signing of this affidavit, **PICCIRILLI** has not reported to the BOP as required. A check of the BOP website shows that **PICCIRILLI** is still "not in BOP custody."

7. Investigators believe that **WARFIELD** helped **PICCIRILLI** flee. In December 2018, **WARFIELD** told investigators that she was **PICCIRILLI**'s girlfriend and that she lived with him. **WARFIELD** was at **PICCIRILLI**'s sentencing hearing and was aware that the judge imposed a sentence and surrender date. Before **PICCIRILLI** absconded, both he and **WARFIELD** had cellphone numbers that investigators confirmed through multiple sources of information, including prior employers, family members, and the USPO. Electronic records from the service providers associated with those numbers show that both numbers were deactivated as of February 1, 2020. Since February 2020, investigators have interviewed numerous members of **PICCIRILLI** and **WARFIELD**'s family and friends, none of whom have reported seeing **PICCIRILLI** or **WARFIELD** since January 2020.

8. The evidence gathered since further supports that **PICCIRILLI** and **WARFIELD** fled together and that **WARFIELD** aided the flight, knowing that **PICCIRILLI** was escaping his upcoming term of imprisonment. Through interviews with people who know **PICCIRILLI** and **WARFIELD**, investigators discovered that **WARFIELD** uses the account [REDACTED] to play Words with Friends.¹ On August 14, 2020, U.S. Magistrate Judge

¹ Words with Friends is a multiplayer word game available for cellphones and tablets, among other devices. To play, users create an account and choose opponents by identifying the account ID of the specific person who they want to play against. In addition, there is a chat feature built into the game that allows opponents to exchange messages.

Thomas M. DiGirolamo authorized investigators to search the content of chat messages within the account. In the messages, **WARFIELD** reveals that she supports that **PICCIRILLI** fled. For example, on April 2, 2020, **WARFIELD** has the following exchange with another account:

WARFIELD: J is napping but will be excited we got thru to yall

WARFIELD: Sleep schedules have been much better than last year for him...

Account 1: I'm think right decision we're made

WARFIELD: No doubt. It was a tough one, but necessary. Just missing everyone sucks a whole lot. But pups have helped

Investigators believe that "J" refers to **PICCIRILLI**. Based on my training and experience, I believe that **PICCIRILLI** and **WARFIELD** were together during that exchange, and that **WARFIELD** believed that **PICCIRILLI** was sleeping better at the time (having fled) than he was the year before (while his federal criminal case was pending). The user of Account 1 told **WARFIELD** that she and **PICCIRILLI** made the right decision to flee prosecution. **WARFIELD** agreed but admitted that she missed her friends and family.

9. Throughout the messages, the parties make numerous references to the fact that they were trying to evade law enforcement efforts to surveil them. For example, on April 11, 2020, **WARFIELD** and Account 1 exchange the following messages:

WARFIELD: We are out of funds . . . so that's fun . . .

Account 1: Oh gosh I'm sorry ☹

WARFIELD: Yeah, tough times . . . but we will figure something out, hopefully.

Account 1: Can s, k, or g help?

WARFIELD: We are afraid to reach out to them via phone. Don't know if
 ☹ ☹

Investigators believe that “s, k, or g” refer to **PICCIRILLI**’s parents and grandmother ([REDACTED]).² Based on my training and experience, I believe that **WARFIELD** and the user of Account 1 are using first initials rather than full names to avoid detection by law enforcement. I also believe that **WARFIELD** is explaining that she is afraid to call **PICCIRILLI**’s parents and grandmother because law enforcement may be listening to their calls.

10. Finally, **WARFIELD**’s messages suggest that she made a mutual decision with **PICCIRILLI** to flee prosecution. For example, on April 13, 2020, the user of Account 1 wrote that her husband had “used flashlight under booths for microphones” when getting lunch with **PICCIRILLI**’s father (suggesting that her husband was worried about law enforcement surveillance). **WARFIELD** responded that she “still cant believe it all turned out the way it did,” but that “we made the best decision.” Given the context, investigators believe that **WARFIELD** was referring to the decision to flee, and by using “we,” **WARFIELD** communicated that she and **PICCIRILLI** made the decision to flee together.

11. The subpoena and search warrant results for the Words with Friends account indicated that [REDACTED] [REDACTED] at a location in or near Deputy, Indiana, and was created on March 27, 2020. The returns also indicate that **WARFIELD** last used her previous email address ([REDACTED]) for Words with Friends in August 2019.

² I have learned about **PICCIRILLI**’s family members through interviews with multiple prior business associates [REDACTED]. These associates had direct, regular contact with **PICCIRILLI**’s parents [REDACTED]. In addition, **PICCIRILLI**’s mother and grandmother spoke at his sentencing hearing, which I attended. Finally, I spoke directly to **PICCIRILLI**’s sister and brother-in-law during December 2018 at their home where **PICCIRILLI** was living with **WARFIELD**.

12. I searched the internet for any indication of [REDACTED] on other websites or platforms, which revealed a [REDACTED] account on Pinterest, an image sharing and social media service where users can “pin” pictures and other electronic content to their profile. Pinterest groups pictures into “boards” attached to each profile. Boards for [REDACTED] include topics such as “off-grid homesteading” and “boondocking” (camping at free locations with a car or RV, sometimes where there are limited water and electrical facilities). Based on my training and experience, I believe these topics are consistent with a person who is researching how to live an isolated, low-profile lifestyle to avoid detection by law enforcement. On August 12, 2020, Pinterest responded to a federal grand jury subpoena, and its records indicated that “Emma” created [REDACTED] on February 20, 2020, after **PICCIRILLI** absconded.

13. On September 9, 2020, investigators obtained a federal search warrant for the contents of the Gmail account associated with [REDACTED]. The account contents suggest that **WARFIELD** uses it. The account received emails either addressed to or referencing **WARFIELD**’s real name at least ten times between February 2020 and July 2020. **WARFIELD** also received several emails addressed to the alias “Emma Smith,” including an email from “Emma Smith” to **WARFIELD**’s sister on August 23, 2020, in which **WARFIELD** wrote “Its me!” and “I miss you soooooo much.”³ Lastly, in August 2020 and September 2020, **WARFIELD** received emails from Straight Talk Wireless, a no-contract wireless provider, identifying her new phone number and revealing that she had signed up for a 30-day wireless service. Based on my training and experience, I know that people who engage in criminal activity

³ **WARFIELD**’s mother confirmed to investigators the identity of **WARFIELD**’s sister.

often use fictitious names, use different names, or frequently change their phone numbers to avoid detection by law enforcement.

14. To my knowledge, **WARFIELD** is not otherwise under criminal investigation and has no readily discernable reason to use coded language; to research off-the-grid living arrangements; to use an alias name; to use an alias email address; to abandon an old phone number; or to use a new, no-contract, short term phone number absent her proximity to **PICCIRILLI** and her desire to protect him from serving his sentence by concealing her own identity and whereabouts.

CONCLUSION

15. As a result of the information above, there is probable cause to believe that, since March 16, 2020, **PICCIRILLI** has failed to surrender to serve his federal sentence and that **WARFIELD** is aiding and abetting that effort, in violation of 18 U.S.C. § 3146(a)(2) and 18 U.S.C. § 2.

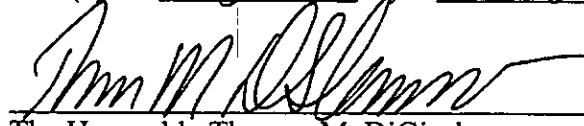
WHEREFORE, I respectfully request that the Court authorize the attached criminal complaints and issue the arrest warrants.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information, and belief.



Special Agent David Collier
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Affidavit submitted by email and attested to me as true and accurate by telephone
consistent with Fed. R. Crim. P. 4.1 and 41(d) this 6 day of October, 2020.



The Honorable Thomas M. DiGirolamo
United States Magistrate Judge

FILED _____ ENTERED _____
LOGGED _____ RECEIVED _____

NOV 13 2020

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY

DEPUTY

